

(1) there is an increasing threat of impairment to the quantity and quality of the Nation's water resources due to, among other things, growing national needs, recurring drought in the Western States, point and nonpoint source pollution, and saltwater intrusion into existing groundwater supplies;

(2) many communities in the United States have water supplies containing high salinity levels or contaminants which pose health risks;

(3) the Nation needs to develop economical processes to treat existing water supplies that are contaminated;

(4) it is necessary to provide for research into new techniques to reclaim waste water and to convert saline and other contaminated waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(5) there is very little Federal funding being applied to basic research in the field of treatment of contaminated water through membrane processes; and

(6) the treatment of contaminated water through membrane processes will solve a wide variety of water treatment problems, including compliance with the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.] and the Safe Drinking Water Act [42 U.S.C. 300f et seq.].

(Pub. L. 102-490, § 2, Oct. 24, 1992, 106 Stat. 3142.)

#### REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in par. (6), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Safe Drinking Water Act, referred to in par. (6), is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, § 2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§ 300f et seq.) of chapter 6A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 201 of this title and Tables.

#### SHORT TITLE

Section 1 of Pub. L. 102-490 provided that: "This Act [enacting this chapter] may be cited as the 'Membrane Processes Research Act of 1992'."

#### § 10342. Research program

The Director of the National Science Foundation shall establish a basic research program on membranes and membrane processes. Such program may be carried out through awarding grants, entering into contracts or cooperative agreements, or direct research.

(Pub. L. 102-490, § 3, Oct. 24, 1992, 106 Stat. 3142.)

#### § 10343. Goals of research program

The goals of the research program established under section 10342 of this title shall be—

(1) the development of membranes resistant to degradation, bacterial or otherwise, thereby extending the life of such membranes;

(2) the development of membranes useful for the efficient and cost effective treatment of contaminated water; and

(3) the development of innovative technologies for membrane processes.

(Pub. L. 102-490, § 4, Oct. 24, 1992, 106 Stat. 3142.)

#### § 10344. Coordination with other research

The research program established under section 10342 of this title shall be carried out in coordination with any other related Federal research efforts.

(Pub. L. 102-490, § 5, Oct. 24, 1992, 106 Stat. 3143.)

#### § 10345. Authorization of appropriations

There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, \$2,500,000 for fiscal year 1993, for carrying out this chapter.

(Pub. L. 102-490, § 6, Oct. 24, 1992, 106 Stat. 3143.)

### CHAPTER 110—FAMILY VIOLENCE PREVENTION AND SERVICES

#### Sec.

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#### § 10401. Declaration of purpose

It is the purpose of this chapter to—

(1) assist States in efforts to increase public awareness about and prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), non-profit private organizations, and other persons seeking such assistance.

(Pub. L. 98-457, title III, § 302, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 102-295, title III, § 302, May 28, 1992, 106 Stat. 201; Pub. L. 108-36, title IV, § 415(1), June 25, 2003, 117 Stat. 830.)

#### AMENDMENTS

2003—Par. (1). Pub. L. 108-36 substituted "assist" for "demonstrate the effectiveness of assisting".

1992—Par. (1). Pub. L. 102-295, § 302(1)(A), which directed the substitution of "assist" for "demonstration the effectiveness of assisting", could not be executed

because those words did not appear in text. See 2003 Amendment note above.

Pub. L. 102-295, §302(1)(B), substituted “to increase public awareness about and prevent” for “to prevent”.

Par. (2). Pub. L. 102-295, §302(2), inserted “, courts, legal, social service, and health care professionals” after “enforcement agencies”.

#### SHORT TITLE

Section 301 of title III of Pub. L. 98-457 provided that: “This title [enacting this chapter] may be cited as the ‘Family Violence Prevention and Services Act’.”

#### STUDY OF TRAINING NEEDS OF HEALTH PROFESSIONALS

Pub. L. 105-392, title IV, §407(b), Nov. 13, 1998, 112 Stat. 3589, provided that: “The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act [Nov. 13, 1998], the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.”

### § 10402. State grants authorized

#### (a) Authority of Secretary; application; requirements; approval

(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this chapter, to make grants to States.

(2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in grants to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not more than 5 percent of such funds will be used for State administrative costs; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.<sup>1</sup>

(C) set forth procedures designed to involve State domestic violence coalitions, knowl-

edgeable individuals, and interested organizations and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State and a plan to address the needs of underserved populations, as defined in section 3796gg-2 of this title;<sup>2</sup>

(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this chapter and for coordination of related programs within the State;

(E) provide documentation that procedures have been developed, and implemented including copies of the policies and procedure, to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this chapter and provide assurances that the address or location of any shelter-facility assisted under this chapter will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household; and

(G) meet such requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this chapter.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary’s intention to disapprove and after a 6-month period providing an opportunity for correction of any deficiencies. The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary’s notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 10410 of this title shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph.

(4) Upon completion of the activities funded by a grant under this subpart,<sup>2</sup> the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those

<sup>1</sup> So in original. The period probably should be a semicolon.

<sup>2</sup> See References in Text note below.

activities in achieving the purposes of this subpart.<sup>2</sup> A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart,<sup>2</sup> after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.

(5) Upon completion of the activities funded by a grant under this chapter, the State shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).

**(b) Indian tribes and tribal organizations; application**

(1) The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations<sup>3</sup> and nonprofit private organizations approved by an Indian Tribe<sup>4</sup> for the operation of a family violence shelter on a Reservation<sup>4</sup> for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this chapter. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), (E) and (F) of subsection (a)(2) of this section. No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.

(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after May 28, 1992, the terms "Indian tribe" and "tribal organization", for purposes of this subsection, have the meaning given such terms in section 450b of title 25.

**(c) Programs for children who witness domestic violence**

The Secretary shall use funds provided under section 10409(a)(2) of this title, for a fiscal year described in section 10409(a)(2) of this title, to award grants for demonstration programs that provide—

(1) multisystem interventions and services (either directly or by referral) for children who witness domestic violence; and

(2) training (either directly or by referral) for agencies, providers, and other entities who work with such children.

**(d) Direct payments to victims or dependents**

No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

**(e) Income eligibility standards**

No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this chapter.

**(f) Grants to entities other than States; local share**

No grant may be made under this section to any entity other than a State or an Indian Tribe<sup>4</sup> unless the entity provides for the following non-Federal matching local share as a proportion of the total amount of funds provided under this chapter to the project involved: with respect to an entity operating an existing program under this chapter, not less than 20 percent, and with respect to an entity intending to operate a new program under this chapter, not less than 35 percent. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this chapter.

**(g) Shelter and related assistance**

The Secretary shall assure that not less than 70 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents as defined in section 10421 of this title. Not less than 25 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed for the purpose of providing related assistance as defined under section 10421(5)(A) of this title.

(Pub. L. 98-457, title III, §303, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 100-294, title III, §302, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III, §§303-309(a), 310, 311(a), May 28, 1992, 106 Stat. 201-203; Pub. L. 103-322, title IV, §40271, Sept. 13, 1994, 108 Stat. 1937; Pub. L. 104-235, title II, §201, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 108-36, title IV, §§401, 415(2), (3), June 25, 2003, 117 Stat. 825, 830.)

REFERENCES IN TEXT

Section 3796gg-2 of this title, referred to in subsec. (a)(2)(C), was in the original "section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2)", meaning section 2007 of Pub. L. 90-351, and was translated as reading section 2008 of Pub. L. 90-351, which defined "underserved populations", to reflect the probable intent of Congress. Section 2008 of Pub. L. 90-351 was subsequently repealed and a new section 2008 enacted, which does not define "underserved populations". However, such term is defined in section 13925 of this title.

This subpart, referred to in subsec. (a)(4), is unidentifiable in the original because title III of Pub. L. 98-457 does not contain subparts.

CODIFICATION

May 28, 1992, referred to in subsec. (b)(3), was in the original "the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Vio-

<sup>3</sup> So in original. Probably should be followed by a comma.

<sup>4</sup> So in original. Probably should not be capitalized.

lence Prevention Amendments Act of 1992", which was translated as meaning the date of enactment of Pub. L. 102-295, known as the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, which enacted subsec. (b)(3), to reflect the probable intent of Congress.

#### AMENDMENTS

2003—Subsec. (a)(2)(C). Pub. L. 108-36, §415(2)(A)(i), substituted "State domestic violence coalitions, knowledgeable individuals, and interested organizations" for "State domestic violence coalitions knowledgeable individuals and interested organizations".

Pub. L. 108-36, §401(a), substituted "underserved populations, as defined in section 3796gg-2 of this title;" for "underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation;".

Subsec. (a)(2)(F). Pub. L. 108-36, §415(2)(A)(ii), inserted "and" at end.

Subsec. (a)(4). Pub. L. 108-36, §415(2)(B), realigned margins.

Subsec. (a)(5). Pub. L. 108-36, §401(b), added par. (5).

Subsecs. (c) to (f). Pub. L. 108-36, §401(c), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 108-36, §415(3), substituted "section 10421" for "section 10408(4)" in first sentence and "section 10421(5)(A)" for "section 10408(5)(A)" in second sentence.

Pub. L. 108-36, §401(c)(1), redesignated subsec. (f) as (g).

1996—Subsec. (e). Pub. L. 104-235 substituted "following non-Federal matching local share" for "following local share" and "with respect to an entity operating an existing program under this chapter, not less than 20 percent, and with respect to an entity intending to operate a new program under this chapter, not less than 35 percent" for "20 percent in the first year such project receives a grant under this chapter, 35 percent in the second such year, and 50 percent in the third such year and in any such year thereafter. Except in the case of a public entity, not less than 25 percent of the local share of such agency or organization shall be raised from private sources".

1994—Subsec. (a)(2)(C). Pub. L. 103-322, §40271(a), inserted "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

Subsec. (a)(4). Pub. L. 103-322, §40271(b), added par. (4).

1992—Subsec. (a)(1). Pub. L. 102-295, §303(1), substituted "grants" for "demonstration grants".

Subsec. (a)(2). Pub. L. 102-295, §303(2)(A), in introductory provisions substituted "grant" for "demonstration grant" after "No".

Subsec. (a)(2)(A). Pub. L. 102-295, §303(2)(B), which directed the substitution of "grant" for "demonstration grant" was executed by substituting "grants" for "demonstration grants", to reflect the probable intent of Congress.

Subsec. (a)(2)(B)(ii). Pub. L. 102-295, §303(2)(C), substituted "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children," for "particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;".

Subsec. (a)(2)(C). Pub. L. 102-295, §304, inserted "State domestic violence coalitions" after "involve".

Subsec. (a)(2)(E). Pub. L. 102-295, §305, substituted "documentation that procedures have been developed, and implemented including copies of the policies and procedure," for "assurances that procedures will be developed".

Subsec. (a)(2)(F). Pub. L. 102-295, §306, amended subpar. (F) generally. Prior to amendment, subpar. (F)

read as follows: "provide assurances that, within one year after receipt of funds under this subsection, the State will, provide assurances to the Secretary that the State has or has under consideration a procedure for the eviction of an abusing spouse from a shared residence; and".

Subsec. (a)(3). Pub. L. 102-295, §307, inserted "a 6-month period providing an" before "opportunity" and inserted at end "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 10410 of this title shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph."

Subsec. (b)(1). Pub. L. 102-295, §308(1), substituted "The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation" for "The Secretary is authorized to make demonstration grants to Indian tribes and tribal organizations".

Subsec. (b)(2). Pub. L. 102-295, §308(2), substituted "grant" for "demonstration grant" and "(E) and (F)" for "and (E)" and inserted at end "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."

Subsec. (b)(3). Pub. L. 102-295, §308(3), added par. (3).

Subsec. (c). Pub. L. 102-295, §309(a), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of \$50,000, and the total amount of such grants to any such single entity may not exceed \$150,000."

Subsec. (d). Pub. L. 102-295, §309(a)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 102-295, §§309(a)(2), 310, redesignated subsec. (f) as (e) and substituted "No grant" for "No demonstration grant", "State or an Indian Tribe" for "State", "20 percent" for "35 percent", "35 percent" for "55 percent", "and 50 percent in the third such year and in any such year thereafter" for "and 65 percent in the third such year", and "25 percent" for "50 percent". Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 102-295, §§309(a)(2), 311(a), redesignated subsec. (g) as (f), substituted "70 percent" for "60 percent", and inserted before period "as defined in section 10408(4) of this title. Not less than 25 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed for the purpose of providing related assistance as defined under section 10408(5)(A) of this title". Former subsec. (f) redesignated (e).

1988—Subsec. (c). Pub. L. 100-294 struck out provision that a single entity not be awarded demonstration grants under this section for a total period in excess of three fiscal years.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 309(b) of Pub. L. 102-295 provided that: "The amendments made by subsection (a) [amending this

section] are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years.”

#### § 10403. Allotment of funds

##### (a) Proportionality of allotment; minimum allotment

From the sums appropriated under section 10409 of this title and available for grants to States under this subsection for any fiscal year—

(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than  $\frac{1}{8}$  of 1 percent of the amounts available for grants under section 10402(a) of this title for the fiscal year for which the allotment is made; and

(2) each State shall be allotted for payment in a grant authorized under section 10402(a) of this title, \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

##### (b) Determination of population of States

For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13.

##### (c) Ratable reduction of amounts; increase on availability of additional funds

If the sums appropriated under section 10409 of this title for any fiscal year and available for grants to States authorized under section 10402(a) of this title are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

##### (d) Reallocation; continued availability of funds

(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10409 of this title, the amount allotted to a State has not been made available to such State in grants under section 10402(a) of this title because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallocate such amount to States which meet such requirements.

(2) Funds made available by the Secretary through reallocation under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallocation.

##### (e) Exclusion from definition of “State”

In subsection (a)(2) of this section, the term “State” does not include any jurisdiction specified in subsection (a)(1) of this section.

(Pub. L. 98-457, title III, §304, Oct. 9, 1984, 98 Stat. 1759; Pub. L. 102-295, title III, §312, May 28, 1992, 106 Stat. 204; Pub. L. 104-208, div. A, title I, §101(e) [title II, §213], Sept. 30, 1996, 110 Stat. 3009-233, 3009-254; Pub. L. 104-235, title II, §202, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 106-386, div. B, title II, §1202(b), Oct. 28, 2000, 114 Stat. 1505.)

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-386, §1202(b)(1), substituted “and available for grants to States under this subsection for any fiscal year—” and pars. (1) and (2) for “for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 10402(a) of this title an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

“(1) each State shall be allotted not less than 1 percent of the amounts available for grants under section 10402(a) of this title for the fiscal year for which the allotment is made, or \$400,000, whichever is the lesser amount; and

“(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 10402(a) of this title for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of the preceding sentence only, the term ‘State’ does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.”

Subsec. (c). Pub. L. 106-386, §1202(b)(2), in first sentence, inserted “and available” before “for grants”.

Subsec. (e). Pub. L. 106-386, §1202(b)(3), added subsec. (e).

1996—Subsec. (a)(1). Pub. L. 104-208 and Pub. L. 104-235 amended par. (1) identically, substituting “\$400,000” for “\$200,000”.

1992—Subsec. (a)(1). Pub. L. 102-295 struck out “whichever is the greater of the following amounts: one-half of” before “1 percent” and substituted “\$200,000, whichever is the lesser amount” for “\$50,000”.

#### § 10404. Secretarial responsibilities

(a) The Secretary shall appoint 1 or more employees of the Department of Health and Human Services to carry out the provisions of this chapter, including carrying out evaluation and monitoring under this chapter. Any individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

(b) The Secretary shall—

(1) coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents, and ensure that such activities as they relate to elderly persons are coordinated with the Administration on Aging and the National Institute on Aging within the Department of Health and Human Services;

(2)(A) provide for research into the most effective prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in

combination, and through the use of civil protection orders removing the abuser from the family household, (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons)<sup>1</sup>, (iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received, and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

(3) provide for the training of personnel and provide technical assistance in the conduct of programs for the prevention and treatment of family violence.

(Pub. L. 98-457, title III, §305, Oct. 9, 1984, 98 Stat. 1760; Pub. L. 102-295, title III, §313, May 28, 1992, 106 Stat. 204; Pub. L. 108-36, title IV, §§402, 415(4), June 25, 2003, 117 Stat. 825, 830.)

#### AMENDMENTS

2003—Subsec. (a). Pub. L. 108-36, §402, substituted “1 or more employees” for “an employee”, “of this chapter, including carrying out evaluation and monitoring under this chapter” for “of this chapter”, and “Any individual” for “The individual”.

Subsec. (b)(2)(A). Pub. L. 108-36, §415(4), substituted “provide for research into” for “provide for research, and into”.

1992—Subsec. (b)(2)(A). Pub. L. 102-295 struck out “into the causes of family violence” after “provide for research”, inserted “most effective” before “prevention”, and added cls. (iii) to (vi).

#### § 10405. Evaluation

Every 2 years, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this chapter, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the documentation provided to the Secretary under section 10402(a)(2)(B) through 10402(a)(2)(F) of this title.

(Pub. L. 98-457, title III, §306, Oct. 9, 1984, 98 Stat. 1760; Pub. L. 102-295, title III, §314, May 28, 1992, 106 Stat. 204; Pub. L. 108-36, title IV, §403, June 25, 2003, 117 Stat. 825.)

<sup>1</sup> So in original. The closing parenthesis probably should follow “interventions received”.

#### AMENDMENTS

2003—Pub. L. 108-36 substituted “Every 2 years,” for “Not later than two years after the date on which funds are obligated under section 10402(a) of this title for the first time after October 9, 1984, and every two years thereafter.”.

1992—Pub. L. 102-295 inserted “and every two years thereafter,” and substituted “documentation” for “assurances” and “10402(a)(2)(B) through 10402(a)(2)(F)” for “10402(a)(2)(F)”.

#### § 10406. Discrimination prohibited

##### (a) Recipients of Federal financial assistance; types of discrimination prohibited

(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], on the basis of handicap under section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], on the basis of sex under title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], programs and activities funded in whole or in part with funds made available under this part<sup>1</sup> are considered to be programs and activities receiving Federal financial assistance.

(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this chapter. Nothing in this chapter shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 [42 U.S.C. 2000d-1]. Section 603 of such Act [42 U.S.C. 2000d-2] shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.

##### (b) Notification and request to secure compliance; referral to Attorney General or other action by Secretary

Whenever the Secretary finds that a State or other entity that has received financial assistance under this chapter has failed to comply with a provision of law referred to in subsection (a)(1) of this section, with subsection (a)(2) of this section, or with an applicable regulation (including one prescribed to carry out subsection (a)(2) of this section), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If, within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted,

<sup>1</sup> See References in Text note below.

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], sections 504 and 505 of the Rehabilitation Act of 1973 [29 U.S.C. 794, 794a], or title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], as may be applicable, or

(3) take such other action as may be provided by law.

**(c) Civil action by Attorney General**

When a matter is referred to the Attorney General pursuant to subsection (b)(1) of this section, or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) of this section or in violation of subsection (a)(2) of this section, the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(Pub. L. 98-457, title III, §307, Oct. 9, 1984, 98 Stat. 1761.)

REFERENCES IN TEXT

The Age Discrimination Act of 1975, referred to in subsecs. (a)(1), (b)(2), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Education Amendments of 1972, referred to in subsecs. (a)(1) and (b)(2), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of Title 20 and Tables.

The Civil Rights Act of 1964, referred to in subsecs. (a)(1), (b)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of this title. For complete classification of this Act to the Code, see note set out under section 2000a of this title and Tables.

This part, referred to in subsec. (a)(1), probably was intended to be a reference to this title, meaning title III of Pub. L. 98-457 which enacted this chapter, because title III was not divided into parts and because similar references to programs or activities funded in whole or in part with funds made available, referred to "this title".

**§ 10407. Information and technical assistance centers**

**(a) Purpose and grants**

**(1) Purpose**

It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

**(2) Grants**

From the amounts appropriated under this chapter, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national re-

source center (as provided for in subsection (b) of this section) and not to exceed seven special issue resource centers (as provided for in subsection (c) of this section) focusing on one or more issues of concern to domestic violence victims.

**(b) National resource center**

The national resource center established under subsection (a)(2) of this section—

(1) shall offer resource, policy, collaboration, and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, including issues relating to children who witness domestic violence; and

(2) shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics, and analyses of the information and statistics, relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

**(c) Special issue resource centers**

The special issue resource centers established under subsection (a)(2) of this section shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

(3) Child custody issues in domestic violence cases.

(4) The use of the self-defense plea by domestic violence victims.

(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation, including the issuance and enforcement of protection orders.

(7) Providing technical assistance and training to State domestic violence coalitions.

**(d) Eligibility**

To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

(1) focuses primarily on domestic violence;

(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

**(e) Reporting**

Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

**(f) “Indian tribal agency” defined**

For purposes of this section, the term “Indian tribal agency” means an Indian tribe or tribal organization, as defined in section 450b of title 25.

(Pub. L. 98-457, title III, § 308, Oct. 9, 1984, 98 Stat. 1761; Pub. L. 102-295, title III, § 315, May 28, 1992, 106 Stat. 204; Pub. L. 103-322, title IV, § 40272(b), Sept. 13, 1994, 108 Stat. 1937; Pub. L. 108-36, title IV, § 404, June 25, 2003, 117 Stat. 826.)

**AMENDMENTS**

2003—Subsec. (b). Pub. L. 108-36, § 404(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “The national resource center established under subsection (a)(2) of this section shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.”

Subsec. (g). Pub. L. 108-36, § 404(2), struck out heading and text of subsec. (g). Text read as follows: “Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations.”

1994—Subsec. (a)(2). Pub. L. 103-322, § 40272(b)(1), substituted “seven” for “six” before “special issue resource centers”.

Subsec. (c)(6). Pub. L. 103-322, § 40272(b)(2)(A), inserted before period at end “, including the issuance and enforcement of protection orders”.

Subsec. (c)(7). Pub. L. 103-322, § 40272(b)(2)(B), added par. (7).

1992—Pub. L. 102-295 amended section generally, substituting provisions relating to information and technical assistance centers for provisions relating to operation of national information and research clearinghouse on prevention of family violence.

**§ 10408. Transferred****CODIFICATION**

Section, Pub. L. 98-457, title III, § 309, Oct. 9, 1984, 98 Stat. 1762; Pub. L. 102-295, title III, § 311(b), May 28, 1992, 106 Stat. 203; Pub. L. 103-322, title IV, § 40272(a), Sept. 13, 1994, 108 Stat. 1937; Pub. L. 108-36, title IV, § 405, June 25, 2003, 117 Stat. 826, which related to definitions, was renumbered section 320 of Pub. L. 98-457 by Pub. L. 108-36, title IV, § 415(5), June 25, 2003, 117 Stat. 830, and transferred to section 10421 of this title.

**§ 10409. Authorization of appropriations****(a) In general****(1) Authorization**

There are authorized to be appropriated to carry out sections 10402 through 10410 of this title, \$175,000,000 for each of fiscal years 2004 through 2008.

**(2) Projects to address needs of children who witness domestic violence**

For a fiscal year in which the amounts appropriated under paragraph (1) exceed \$130,000,000, the Secretary shall reserve and make available a portion of the excess to carry out section 10402(c) of this title.

**(b) Section 10402(a) and (b)**

Of the amounts appropriated under subsection (a) of this section for each fiscal year (and not reserved under subsection (a)(2) of this section), not less than 70 percent shall be used for making grants under subsection 10402(a) of this title, and not less than 10 percent shall be used for the purpose of carrying out section 10402(b) of this title.

**(c) Section 10407**

Of the amounts appropriated under subsection (a) of this section for each fiscal year (and not reserved under subsection (a)(2) of this section), 5 percent shall be used by the Secretary for making grants under section 10407 of this title.

**(d) Grants for State coalitions**

Of the amounts appropriated under subsection (a) of this section for each fiscal year (and not reserved under subsection (a)(2) of this section), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 10410 of this title.

**(e) Non-supplanting requirement**

Federal funds made available to a State under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this chapter.

(Pub. L. 98-457, title III, § 310, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, § 301, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III, § 316, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, § 40241, Sept. 13, 1994, 108 Stat. 1934; Pub. L. 104-235, title II, § 203, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 106-386, div. B, title II, § 1202(a), Oct. 28, 2000, 114 Stat. 1505; Pub. L. 108-36, title IV, § 406(a), (b), June 25, 2003, 117 Stat. 827.)

**AMENDMENTS**

2003—Subsec. (a). Pub. L. 108-36, § 406(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this chapter \$175,000,000 for each of fiscal years 2001 through 2005.”

Subsecs. (b) to (d). Pub. L. 108-36, § 406(b), inserted “(and not reserved under subsection (a)(2) of this section)” after “each fiscal year”.

2000—Subsec. (a). Pub. L. 106-386 reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this chapter—

- “(1) \$50,000,000 for fiscal year 1996;
- “(2) \$60,000,000 for fiscal year 1997;
- “(3) \$70,000,000 for fiscal year 1998;
- “(4) \$72,500,000 for fiscal year 1999; and
- “(5) \$72,500,000 for fiscal year 2000.”

1996—Subsec. (b). Pub. L. 104-235, § 203(1), substituted “70 percent” for “80 percent”.

Subsecs. (d), (e). Pub. L. 104-235, § 203(2), added subsecs. (d) and (e).

1994—Subsec. (a). Pub. L. 103-322 amended heading and text of subsec. (a) generally. Prior to amendment,



text read as follows: "There are authorized to be appropriated to carry out the provisions of sections 10402 through 10408 of this title and section 10413 of this title, \$60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

1992—Pub. L. 102-295 amended section generally. Prior to amendment, section read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this chapter \$11,000,000 for fiscal year 1985, \$26,000,000 for each of the fiscal years 1986 and 1987, \$26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.

"(b) Of the sums appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 10402 of this title.

"(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this chapter shall remain available until expended for the purposes for which they were appropriated."

1988—Subsec. (a). Pub. L. 100-294, § 301(a), substituted "1985," for "1985 and" and inserted ", \$26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991" after "1987" before period at end.

Subsec. (c). Pub. L. 100-294, § 301(b), added subsec. (c).

#### **§ 10410. Grants for State domestic violence coalitions**

##### **(a) In general**

The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

(B) planning and conducting State needs assessments and planning for comprehensive services;

(C) serving as an information clearinghouse and resource center for the State; and

(D) collaborating with other governmental systems which affect battered women;

(2) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation when domestic violence is involved;

(C) the use of mandatory arrests of accused offenders;

(D) the discouragement of dual arrests;

(E) the adoption of aggressive and vertical prosecution policies and procedures;

(F) the use of mandatory requirements for presentence investigations;

(G) the length of time taken to prosecute cases or reach plea agreements;

(H) the use of plea agreements;

(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(J) the restitution of victims;

(K) the use of training and technical assistance to law enforcement, judges, court officers and other criminal justice professionals;

(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(M) the use of interstate extradition in cases of domestic violence crimes;

(N) the use of statewide and regional planning; and

(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

(3) work with family law judges, criminal court judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation where domestic violence is involved;

(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

(D) the use of training and technical assistance for family law judges, criminal court judges, and court personnel;

(E) the presumption of custody to domestic violence victims;

(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary custody support and maintenance;

(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

(H) the implementation of supervised visitations or denial of visitation to protect against danger to victims or their children; and

(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

(4) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence, including information aimed at underserved racial, ethnic or language-minority populations; and

(5) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 10402(a) of this title.

##### **(b) Eligibility**

To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

(1) The membership of the coalition includes representatives from a majority of the pro-

grams for victims of domestic violence in the State.

(2) The board membership of the coalition is representative of such programs.

(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

#### (c) Allotment of funds

From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to  $\frac{1}{3}$  of the amount appropriated for such fiscal year. For purposes of this section, the term “combined U.S. Territories” means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

#### (d) Prohibition on lobbying

No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

(2) in connection with legislation or appropriations directly affecting the activities of the entity.

#### (e) Reporting

Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

#### (f) Definition

For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 450b of title 25.

#### (g) Funding

Of the amount appropriated under section 10409(a) of this title for a fiscal year (and not re-

served under section 10409(a)(2) of this title), not less than 10 percent of such amount shall be made available to award grants under this section.

(Pub. L. 98-457, title III, §311, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, §303(b), Apr. 25, 1988, 102 Stat. 125; Pub. L. 102-295, title III, §317, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, §40272(c), Sept. 13, 1994, 108 Stat. 1938; Pub. L. 108-36, title IV, §§406(c), 407, 415(6), June 25, 2003, 117 Stat. 827, 830.)

#### AMENDMENTS

2003—Subsec. (a)(2)(K). Pub. L. 108-36, §415(6)(A), substituted “other criminal justice professionals;” for “other criminal justice professionals;”.

Subsec. (a)(3). Pub. L. 108-36, §415(6)(B)(i), substituted “family law judges,” for “family law judges,,” in introductory provisions.

Subsec. (a)(3)(D). Pub. L. 108-36, §415(6)(B)(ii), inserted “, criminal court judges,” after “family law judges”.

Subsec. (a)(3)(H). Pub. L. 108-36, §415(6)(B)(iii), substituted “supervised visitations or denial of visitation to protect against danger to victims or their children” for “supervised visitations that do not endanger victims and their children”.

Subsec. (g). Pub. L. 108-36, §406(c), substituted “Funding” for “Authorization of appropriations” in heading and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to be used to award grants under this section \$8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.”

Subsec. (h). Pub. L. 108-36, §407, struck out heading and text. Text read as follows: “Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing this section.”

1994—Subsec. (a)(1). Pub. L. 103-322, §40272(c)(2), added par. (1). Former par. (1) redesignated (2).

Subsec. (a)(2). Pub. L. 103-322, §40272(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (a)(2)(K). Pub. L. 103-322, §40272(c)(3), substituted “, judges, court officers and other criminal justice professionals,” for “and court officials and other professionals”.

Subsec. (a)(3). Pub. L. 103-322, §40272(c)(1), (4)(A), redesignated par. (2) as (3) and inserted “, criminal court judges,” after “family law judges,” in introductory provisions. Former par. (3) redesignated (4).

Subsec. (a)(3)(F). Pub. L. 103-322, §40272(c)(4)(B), substituted “temporary custody support” for “temporary support”.

Subsec. (a)(3)(H). Pub. L. 103-322, §40272(c)(4)(C), which directed the substitution of “supervised visitations or denial of visitation to protect against danger to victims or their children” for “supervised visitations that do not endanger victims and their children,” could not be executed because those words did not appear in text. See 2003 Amendment note above.

Subsec. (a)(4). Pub. L. 103-322, §40272(c)(1), (5), redesignated par. (3) as (4) and inserted before semicolon “, including information aimed at underserved racial, ethnic or language-minority populations”. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 103-322, §40272(c)(1), redesignated par. (4) as (5).

1992—Pub. L. 102-295 amended section generally, substituting provisions relating to grants for State domestic violence coalitions for provisions relating to law enforcement training and technical assistance grants and contracts.

1988—Subsec. (b)(2). Pub. L. 100-294 added par. (2).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC  
ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

**§ 10411. Repealed. Pub. L. 100-294, title III, § 303(a), Apr. 25, 1988, 102 Stat. 124**

Section, Pub. L. 98-457, title III, §312, Oct. 9, 1984, 98 Stat. 1763, related to authority of Secretary to carry out provisions of this chapter, competitive awarding of grants and contracts, and delegation of authority and transfer of funds to Attorney General. See sections 10412(a) and 10410(b), (c) of this title.

**§ 10412. Authority of Secretary**

**(a) In general**

In order to carry out the provisions of this chapter, the Secretary is authorized to—

- (1) appoint and fix the compensation of such personnel as are necessary;
- (2) procure, to the extent authorized by section 3109 of title 5, such temporary and intermittent services of experts and consultants as are necessary;
- (3) make grants to public and nonprofit private entities or enter into contracts with public or private entities; and
- (4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and provisions of this chapter.

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing sections 10402, 10407, and 10414 of this title. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing such sections.

**(b) Construction with State and local law**

Nothing in this chapter shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

**(c) Funding for evaluation, monitoring, and other administrative costs**

Of the amount appropriated under section 10409(a) of this title for each fiscal year (and not reserved under section 10409(a)(2) of this title), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this chapter.

(Pub. L. 98-457, title III, §312, Oct. 9, 1984, 98 Stat. 1764; Pub. L. 102-295, title III, §318, May 28, 1992, 106 Stat. 208; Pub. L. 108-36, title IV, §408, June 25, 2003, 117 Stat. 827.)

CODIFICATION

Another section 312 of Pub. L. 98-457, which was classified to section 10411 of this title, was repealed by section 303(a) of Pub. L. 100-294.

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-36 added subsec. (c).  
1992—Subsec. (a). Pub. L. 102-295 inserted at end “Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing sections 10402, 10407, and 10414 of this title. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing such sections.”

**§ 10413. Repealed. Pub. L. 108-36, title IV, § 409, June 25, 2003, 117 Stat. 827**

Section, Pub. L. 98-457, title III, §313, as added Pub. L. 100-294, title III, §303(c), Apr. 25, 1988, 102 Stat. 125; amended Pub. L. 102-295, title III, §319, May 28, 1992, 106 Stat. 209, related to family member abuse information and documentation project.

**§ 10414. Grants for public information campaigns**

**(a) In general**

The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

**(b) Application**

No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) of this section has been approved by the Secretary.

**(c) Requirements**

An application submitted under subsection (b) of this section shall—

- (1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;
- (2) include a complete description of the plan of the application for the development of a public information campaign;
- (3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;
- (4) identify the media to be used in the campaign and the geographic distribution of the campaign;
- (5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;
- (6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and
- (7) contain such other information as the Secretary may require.

**(d) Use**

A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print

media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

**(e) Criteria**

The criteria for awarding grants shall ensure that an applicant—

- (1) will conduct activities that educate communities and groups at greatest risk;
- (2) has a record of high quality campaigns of a comparable type; and
- (3) has a record of high quality campaigns that educate the population groups identified as most at risk.

**(f) Inclusion of representatives of Indians**

For purposes of this section, the term “public or private nonprofit entity” includes an “Indian tribe” or “tribal organization”, as defined in section 450b of title 25.

(Pub. L. 98–457, title III, §314, as added Pub. L. 102–295, title III, §320, May 28, 1992, 106 Stat. 209.)

**FEDERAL EMPLOYEE DOMESTIC VIOLENCE AWARENESS CAMPAIGN**

Memorandum of President of the United States, Oct. 2, 1995, 60 F.R. 52821, provided:

Memorandum for Heads of Executive Departments and Agencies

Domestic violence is not a private, family dispute that affects only the people involved. Domestic violence is violent criminal activity that affects us all, regardless of race, income, or age, in every community in this country. It means higher health care costs, increased absenteeism, and declining productivity. It destroys families, relationships, and lives. More importantly, it tears at the moral fabric of who we are and undermines the very institution that has been the cornerstone of our country: the family.

In passing the Violence Against Women Act [probably means the Violence Against Women Act of 1994, title IV of Pub. L. 103–322, see Tables for classification] as part of the Violent Crime Control Act (“VCCA”) [probably means the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, see Tables for classification] last year, the Congress recognized the seriousness of the problem of domestic violence. This new law combines tough new penalties with programs to prosecute offenders and help women victims. In the last year, every State has received a down payment of \$426,000 in grants to help train prosecutors, police, and service providers in combatting the problem of domestic violence. Moreover, because of the VCCA, every State will now ensure that women who have been assaulted will not have to pay for their medical examinations resulting from rape and other acts of violence.

Throughout October, National Domestic Violence Awareness Month, business, labor, law enforcement, public health, and civic organizations will be working to increase our understanding of this problem and create solutions that can save lives. I believe the Federal Government has a responsibility to be a leader in this effort.

Today, I am directing that executive departments and agencies institute employee awareness campaigns on domestic violence. Within the next 6 months, you should implement a program to promote Federal employee awareness of the problem of domestic violence and the programs and resources that are available for victims. I support and encourage the initial plans made by the Justice Department, which include the production of a resource manual and a poster, and the scheduling of a Violence Against Women Information Fair on October 30, 1995. This fair will include speakers, artwork, and exhibits.

We have a responsibility to assist all victims of domestic violence and their families trapped in a cycle of

violence with no sense of where to turn. Often, victims will not report their circumstances to the public, but they may turn to coworkers for help. Thus, by providing information to all Federal workers on the programs available, we can make a contribution to the effort to protect women from abuse and reduce the level of violence in America.

The Director of the Office Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

**§ 10415. Repealed. Pub. L. 108–36, title IV, § 410, June 25, 2003, 117 Stat. 827**

Section, Pub. L. 98–457, title III, §315, as added Pub. L. 102–295, title III, §321, May 28, 1992, 106 Stat. 210, related to model State leadership grants for domestic violence intervention.

**§ 10416. National domestic violence hotline and Internet grant**

**(a) In general**

The Secretary may award 1 or more grants to private, nonprofit entities—

- (1) to provide for the establishment and operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence; or
- (2) to provide for the establishment and operation of a highly secure Internet website to provide that information and assistance to those victims.

**(b) Duration**

A grant under this section may extend over a period of not more than 5 years.

**(c) Annual approval**

The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

**(d) Hotline activities**

An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a)(1) of this section shall use funds made available through the grant to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, the entity shall—

- (1) contract with a carrier for the use of a toll-free telephone line;
- (2) employ, train (including technology training), and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;
- (3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and
- (4) publicize the hotline to potential users throughout the United States.

**(e) Secure website activities**

**(1) In general**

An entity that receives a grant under this section for activities described, in whole or in

part, in subsection (a)(2) of this section shall use funds made available through the grant to provide grants for startup and operational costs associated with establishing and operating a highly secure Internet website.

**(2) Availability**

The website shall be available to the entity operating the hotline and domestic violence shelters.

**(3) Information**

The website shall provide accurate information that describes—

(A) the services available to victims of domestic violence, including health care and mental health services, social services, transportation, services for children (including children who witness domestic violence), and other relevant services; and

(B) the domestic violence shelters available, and services provided by the shelters.

**(4) Rule of construction**

Nothing in this chapter shall be construed to require any shelter or service provider, whether public or private, to be linked to the website or to provide information to the recipient of the grant described in paragraph (1) or to the website.

**(f) Application**

The Secretary may not award a grant under this section unless the Secretary approves an application for such grant. To be approved by the Secretary under this subsection an application shall—

(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe through notice in the Federal Register;

(2) in the case of an application for a grant to carry out activities described in subsection (a)(1) of this section, include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

(B) the hiring criteria for hotline personnel;

(C) the methods for the creation, maintenance, and updating of a resource database;

(D) a plan for publicizing the availability of the hotline;

(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who speak Spanish; and

(F) a plan for facilitating access to the hotline by persons with hearing impairments;

(3) in the case of an application for a grant to carry out activities described in subsection (a)(2) of this section—

(A) include a complete description of the applicant's plan for the development, operation, maintenance, and updating of information and resources of the website;

(B) include a certification that the applicant will implement a high level security system to ensure the confidentiality of the website, taking into consideration the safety of domestic violence victims; and

(C) include an assurance that, after the third year of the website project, the recipient of the grant will develop a plan to secure other public or private funding resources to ensure the continued operation and maintenance of the website;

(4) demonstrate that the applicant has recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups;

(5) demonstrate that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

(6) contain such other information as the Secretary may require.

**(g) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to carry out this section \$3,500,000 for each of fiscal years 2004 through 2008.

**(2) Conditions on appropriations**

Notwithstanding paragraph (1), the Secretary may make available a portion of the amounts appropriated under paragraph (1) to award grants under subsection (a)(2) of this section only for any fiscal year for which the amounts appropriated under paragraph (1) exceed \$3,000,000.

**(3) Availability**

Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

(Pub. L. 98-457, title III, §316, as added Pub. L. 103-322, title IV, §40211, Sept. 13, 1994, 108 Stat. 1925; amended Pub. L. 106-386, div. B, title II, §1204, Oct. 28, 2000, 114 Stat. 1507; Pub. L. 108-36, title IV, §411, June 25, 2003, 117 Stat. 827; Pub. L. 109-162, title II, §206, Jan. 5, 2006, 119 Stat. 3002.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(4), was in the original “this Act” and was translated as reading “this title”, meaning title III of Pub. L. 98-457, to reflect the probable intent of Congress.

AMENDMENTS

2006—Subsec. (d)(2). Pub. L. 109-162, §206(1), which directed insertion of “(including technology training)” after “train;”, was executed by making the insertion after “train”, to reflect the probable intent of Congress.

Subsec. (f)(2)(A). Pub. L. 109-162, §206(2), inserted “, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline” after “hotline personnel”.

Subsec. (g)(2). Pub. L. 109-162, §206(3), substituted “may” for “shall”.

2003—Pub. L. 108-36 amended section generally, substituting provisions relating to a national toll-free telephone hotline and a highly secure Internet website to provide information and assistance to victims of do-

mestic violence for provisions relating to a national domestic violence hotline.

2000—Subsec. (f)(1). Pub. L. 106-386 added par. (1) and struck out heading and text of former par. (1). Text read as follows: “There are authorized to be appropriated to carry out this section—

- “(A) \$1,000,000 for fiscal year 1995;
- “(B) \$400,000 for fiscal year 1996;
- “(C) \$400,000 for fiscal year 1997;
- “(D) \$400,000 for fiscal year 1998;
- “(E) \$400,000 for fiscal year 1999; and
- “(F) \$400,000 for fiscal year 2000.”

**§ 10417. Repealed. Pub. L. 108-36, title IV, § 412, June 25, 2003, 117 Stat. 829**

Section, Pub. L. 98-457, title III, §317, as added Pub. L. 103-322, title IV, §40251, Sept. 13, 1994, 108 Stat. 1935, related to programs for education of young people about domestic violence and violence among intimate partners.

**§ 10418. Demonstration grants for community initiatives**

**(a) In general**

The Secretary shall provide grants to non-profit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

**(b) Eligibility**

To be eligible for a grant under this section, an entity—

- (1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and
- (2) shall include representatives of pertinent sectors of the local community, which may include—
  - (A) health care providers;
  - (B) the education community;
  - (C) the religious community;
  - (D) the justice system;
  - (E) domestic violence program advocates;
  - (F) human service entities such as State child services divisions;
  - (G) business and civic leaders; and
  - (H) other pertinent sectors.

**(c) Applications**

An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

- (1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;
- (2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;
- (3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

- (A) the method for identification and selection of an administrative committee

made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

(B) the method for identification and selection of project staff and a project evaluator;

(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2) of this section;

(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

(4) contains such other information, agreements, and assurances as the Secretary may require.

**(d) Term**

A grant provided under this section may extend over a period of not more than 3 fiscal years.

**(e) Conditions on payment**

Payments under a grant under this section shall be subject to—

- (1) annual approval by the Secretary; and
- (2) availability of appropriations.

**(f) Geographical dispersion**

The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

**(g) Use of grant monies**

**(1) In general**

A grant made under subsection (a) of this section shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

**(2) Requirements**

In establishing and operating a project, a nonprofit private organization shall—

- (A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;
- (B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and
- (C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

**(h) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2004 through 2008.

(Pub. L. 98-457, title III, §318, as added Pub. L. 103-322, title IV, §40261, Sept. 13, 1994, 108 Stat. 1935; amended Pub. L. 105-392, title IV, §407(a), Nov. 13, 1998, 112 Stat. 3589; Pub. L. 106-386, div. B, title IV, §1403, Oct. 28, 2000, 114 Stat. 1514;

Pub. L. 108-36, title IV, §413, June 25, 2003, 117 Stat. 830.)

#### AMENDMENTS

2003—Subsec. (h). Pub. L. 108-36, §413(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2001 through 2005.”

Subsec. (i). Pub. L. 108-36, §413(b), struck out heading and text. Text read as follows: “Not later than 60 days after September 13, 1994, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after September 13, 1994, the Secretary shall publish final regulations implementing this section.”

2000—Subsec. (h). Pub. L. 106-386 added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: “There are authorized to be appropriated to carry out this section—

“(1) \$4,000,000 for fiscal year 1996; and

“(2) \$6,000,000 for for each of the fiscal years 1997 through 2002.”

1998—Subsec. (h)(2). Pub. L. 105-392 substituted “for each of the fiscal years 1997 through 2002” for “fiscal year 1997”.

### § 10419. Transitional housing assistance

#### (a) In general

The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

(2) for whom emergency shelter services are unavailable or insufficient.

#### (b) Assistance described

Assistance provided under this section may include—

(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

#### (c) Term of assistance

##### (1) In general

Subject to paragraph (2), an individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

##### (2) Waiver

The recipient of a grant under this section may waive the restrictions of paragraph (1) for up to an additional 6-month period with respect to any individual (and dependents of the individual) who has made a good-faith effort

to acquire permanent housing and has been unable to acquire the housing.

#### (d) Reports

##### (1) Report to Secretary

###### (A) In general

An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

###### (B) Contents

Each report shall include information on—

(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

(ii) the number of months each individual or dependent received the assistance;

(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

(iv) the type of support services provided to each individual or dependent assisted under this section.

##### (2) Report to Congress

The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

#### (e) Evaluation, monitoring, and administration

Of the amount appropriated under subsection (f) of this section for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this section.

#### (f) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2003 through 2008.

(Pub. L. 98-457, title III, §319, as added Pub. L. 106-386, div. B, title II, §1203, Oct. 28, 2000, 114 Stat. 1506; amended Pub. L. 108-36, title IV, §414, June 25, 2003, 117 Stat. 830.)

#### AMENDMENTS

2003—Subsec. (f). Pub. L. 108-36 substituted “each of fiscal years 2003 through 2008” for “fiscal year 2001”.

### § 10420. Safe havens for children

#### (a) In general

The Attorney General, through the Director of the Office on Violence Against Women, may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities<sup>1</sup>

(1) to provide supervised visitation and safe visitation exchange of children by and be-

<sup>1</sup> So in original. Probably should be followed by a dash.

tween parents in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking;

(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.

**(b) Considerations**

In awarding grants under subsection (a) of this section, the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 3796gg-2<sup>2</sup> of this title);

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

**(c) Applicant requirements**

The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

**(d) Reporting**

**(1) In general**

Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation

programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

**(2) Guidelines**

The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

**(e) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

**(2) Use of funds**

Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

(A) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

(B) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.

**(f) Allotment for Indian tribes**

**(1) In general**

Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg-10 of this title.

<sup>2</sup> See References in Text note below.



**(2) Applicability of part<sup>3</sup>**

The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

(Pub. L. 106-386, div. B, title III, §1301, Oct. 28, 2000, 114 Stat. 1509; Pub. L. 109-162, §3(b)(2), title III, §306, title IX, §906(d), formerly §906(e), title XI, §1135(b), Jan. 5, 2006, 119 Stat. 2971, 3016, 3081, 3109, renumbered §906(d), Pub. L. 109-271, §7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109-271, §§2(d), 7(d)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.)

**REFERENCES IN TEXT**

Section 3796gg-2 of this title, referred to in subsec. (b)(2), was subsequently repealed and a new section 3796gg-2 enacted which does not define “underserved populations”. However, such term is defined in section 13925 of this title.

**CODIFICATION**

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Family Violence Prevention and Services Act which comprises this chapter.

Section 306(1) of Pub. L. 109-162, which directed in part that section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 be amended by striking the section catchline and inserting “10402” as the section number in the amended section catchline, was executed to this section by inserting “1301” as the section number in the original, to reflect the probable intent of Congress. See 2006 Amendment notes below.

**AMENDMENTS**

2006—Pub. L. 109-162, §306(1), substituted “Safe havens for children” for “Safe havens for children pilot program” in section catchline. See Codification note above.

Subsec. (a). Pub. L. 109-162, §306(2)(C)–(E), inserted par. (1) designation before “to provide”, substituted semicolon for period at end, and added pars. (2) to (4).

Pub. L. 109-162, §306(2)(A), (B), inserted “, through the Director of the Office on Violence Against Women,” after “Attorney General” and “dating violence,” after “domestic violence.”

Subsec. (d)(1). Pub. L. 109-162, §1135(b), which directed an amendment identical to that made by Pub. L. 109-162, §3(b)(2), was repealed by Pub. L. 109-271, §§2(d) and 8(b).

Pub. L. 109-162, §3(b)(2), substituted “Not later than 1 month after the end of each even-numbered fiscal year,” for “Not later than 1 year after the last day of the first fiscal year commencing on or after October 28, 2000, and not later than 180 days after the last day of each fiscal year thereafter,” in introductory provisions.

Subsec. (e). Pub. L. 109-162, §306(3), added subsec. (e) and struck out former subsec. (e). Text read as follows: “There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.”

Subsec. (e)(2). Pub. L. 109-271, §7(d)(2)(A), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations.”

Subsec. (f). Pub. L. 109-271, §7(d)(2)(B), added subsec. (f) and struck out former subsec. (f) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this subsection shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(d), formerly §906(e), as renumbered by Pub. L. 109-271, §7(b)(2)(B), added subsec. (f) and struck out former subsec. (f). Text read as follows: “Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.”

**EFFECTIVE DATE OF 2006 AMENDMENT**

Amendment by sections 306 and 906(d) of Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

**DEFINITIONS**

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, as amended, set out as a note under section 3796gg-2 of this title.

**§ 10421. Definitions**

As used in this chapter:

(1) The term “family violence” means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) The terms “Indian tribe” and “tribal organization” have the same meanings given such terms in subsections (b) and (c), respectively, of section 450b<sup>1</sup> of title 25.

(3) The terms<sup>2</sup> “Secretary” means the Secretary of Health and Human Services.

(4) The terms<sup>2</sup> “shelter” means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(5) The term “related assistance” means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. The term “related assistance” shall include—

(A) prevention services such as outreach and prevention services for victims and their children, assistance to children who witness domestic violence, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including services promoting nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school-age children, family violence public awareness campaigns,

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be “term”.

<sup>3</sup> So in original. Probably should be “section”.

and violence prevention counseling services to abusers;

(B) counseling with respect to family violence, counseling or other supportive services provided by peers individually or in groups, and referral to community social services;

(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health care services;

(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims, and children who witness domestic violence.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(Pub. L. 98-457, title III, § 320, formerly § 309, Oct. 9, 1984, 98 Stat. 1762; Pub. L. 102-295, title III, § 311(b), May 28, 1992, 106 Stat. 203; Pub. L. 103-322, title IV, § 40272(a), Sept. 13, 1994, 108 Stat. 1937; renumbered § 320 and amended Pub. L. 108-36, title IV, §§ 405, 415(5), June 25, 2003, 117 Stat. 826, 830.)

#### REFERENCES IN TEXT

Section 450b of title 25, referred to in par. (2), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms "Indian tribe" and "tribal organization". However, such terms are defined elsewhere in that section.

#### CODIFICATION

Section was classified to section 10408 of this title prior to renumbering by Pub. L. 108-36.

#### AMENDMENTS

2003—Par. (5). Pub. L. 108-36, § 405, inserted second sentence and struck out former second sentence which read as follows: "Related assistance shall include—

"(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

"(B) counseling with respect to family violence, counseling or other supportive services by peers individually or in groups, and referral to community social services;

"(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims."

1994—Par. (5)(B). Pub. L. 103-322 inserted "or other supportive services" before "by peers".

1992—Par. (5). Pub. L. 102-295 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "The term 'related assistance'—

"(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

"(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents."

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### CHAPTER 111—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

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#### § 10501. Application for assistance

##### (a) State as applicant

In the event that a law enforcement emergency exists throughout a State or a part of a State, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal law enforcement assistance.

##### (b) Execution of application; period for action of Attorney General on application

An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall, after consultation with the Assistant Attorney General for the Office of Justice Programs and appropriate members of the Federal law enforcement community, approve or disapprove such application not later than 10 days after receiving such application.

##### (c) Criteria

Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider—

(1) the nature and extent of such emergency throughout a State or in any part of a State,